# The Evening Star.

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WASHINGTON, D. C., WEDNESDAY, JULY 29, 1903-SIXTEEN PAGES.

TWO CENTS.

# **WORK OF DYNAMITE**

# Death and Destruction at Tewksbury. ABOUT 25 KILLED

Over 50 Injured, of whom 16 Will Die.

SHOCK FELT 40 MILES

WITHIN HALF MILE RADIUS.

Windows Were Broken in Houses Twenty Miles Distant-City in a Panic.

LOWELL, Mass., July 29.-An explosion today destroyed the magazine of the United States Cartridge Company, located in Tewksbury, caused the death of probably twenty-five persons and injury to more than fifty others, set fire to a number of buildings in the vicinity and caused a general wreck of houses within a radius of half a

The following are among the dead: Mrs. William Riggs of Riverside Park. James Galloway, aged nine.

William Flynn, aged twelve. William McDermott, aged ten. Michael Rogers, aged ten; all boys, wi

were swimming in the Concord river. Unknown man driving a grocery cart. William Galloway. --- Poore.

-- Lowell Six bodies of men working near the powder storehouse were recovered. It was some time before they could be identified, so badly were they disfigured. Fatally injured:

John B. Sullivan. Mrs. Victoria Perrouse. -- Gallagher (little girl).

- McDermott (elever-year-old girl) for Company, badly injured; right arr amputated at the hospital; not expected to

The concussion was felt in Boston, forty miles away, and at Exeter, N. H., which is a greater distance from Lowell. At many points a score of miles distant window glass was shattered and other damage done. In some eases there were reports in circulation that there had been an earthquake.

The city was thrown into a panic, and it required every effort of the authorities to establish and maintain anything like order. It became necessary to summon four companies of the state militia. Alarming reports to the effect that over 100 persons had been killed and injured caused widespread confusion. The explosion is thought to have been caused by the jarring of dynamite stored in the magazine by workmen who were laying a new floor. The dynamite set

# Where the Plant is Located.

of Lowell

dozen houses. Within a hundred yards Every structure within a quarter of a mile | mise may be affected. was torn within and without. Men and the houses sustained cuts, bruises and broken bones.

Men who lived in streets not far away. who were fortunate enough to escape serious injuries, immediately gave themselves over to the work of removing women and children to places of safety, for almost simultaneously with the explosion came flashes from several buildings. Into the flames and debris scores of men were soon plunging in efforts to save life and property. The wreck was so complete, however, that the work was harrowingly slow. The patrol wagons of the police and teams of all descriptions were brought into use to supplement the hospital ambulances. It was nearly noon before anything like an accurate estimate of the number killed could be obtained. Previous reports had Transformer Building at Colorado said that the dead would number seventyfive, but at 11:45 o'clock a canvass of the hospitals and inquiry at the police station resulted in a conservative estimate of twenty-five killed and fifty-five injured.

# More May Die.

Sixteen victims, most seriously hurt. were taken to St. John's Hospital, where at noon it was said that four would die and that as many more were desperately hurt. The crowds increased momentarily, and it seemed as if all Lowell had suspended business and was at the scene of the catastrophe.

On the way to the fire numerous carriages were met that bore bleeding bodies of vic-

Bodies were taken from the ruins and laid on the grass. Some were mangled beyond recognition. Men and women fainted at what they saw.

The wreck caused by the explosion covers an extent of three acres. Houses, barns and outbuildings lay in a ruined state, some half demolished, others hardly more than a heap of broken timbers, still others were smoking from the recent fire, the prompt response of the fire department having enabled them to quench the flames which followed the explosion before they had extended beyond the buildings affected by the

The district about the cartridge company's plant is known on the Boston and Maine railroad as South Lowell, but it is locally eften called "Wigginsville." At one time no building stood near the cartridge company's property, but of late years the sec tion in the vicinity, especially Acton street, Lowell, who built wooden cottages over sev-

al acres of ground. Many of these stood close proximity to the magazine.

People Were Panic Stricken.

Practically the entire populace of South lowell and Wigginsville was panic stricken for a time after the explosion. Within the stricken territory, those who escaped serious injury, fled in a panic from their

Before the arrival of ambulances some of the seriously injured were conveyed to boat houses which had escaped destruction along the concord river. Physicians who hurrled out from the city as soon as the news of the disaster became known joined with doctors living in Wigginsville to make the injured as comfortable as possible. Several of the injured were terribly maimed and burned. One man was suffer-

ing such intense agony that upon his ar-rival at the hospital he begged the surgeons shoot him and end his misery. A large number who were treated at hospital and by outside physicians sustained only cut hands and faces, caused by glass.

#### TO RAISE SUMATRA TOBACCO. New Departure at the Virginia Negro Reform School.

Special Dispatch to The Evening Star.

NORFOLK, Va., July 29.-Superintendent John Henry Smith of the Virginia state negro reformatory, at Broad Neck farm, GENERAL WRECK OF HOUSES Hanover county, is going to put in on the state farm a crop of Sumatra tobacco, which, he believes, can be grown with just as much profit in Virginia as in Connecticut. Superintendent Smith returned this week from a trip to the tobacco fields in the Connecticut valley and reports that the soil upon which Sumatra tobacco is grown in that section is identical with the soil on the Broad . eck farm in Hanover. United States Senator Joan W. Daniel has agreed to secure from the Department of Agriculture at Washington experimental Sumatra seed for the reformatory farm, and if these prove successful the Connecticut growers will find strong competitors in the inmates of the Virginia negro reform

## SAYS HE IS A MURDERER.

Prisoner Coates in Richmond Jail Makes a Confession.

RICHMOND, Va., July 29.-Harmon Truman Coates, who was committed to jail here for ten days for drunkenness and who has been wandering in the south for over a year, has confessed to the police authorities that he is a murderer. The crime, according to his confession, was committed at Spring Valley, N. Y., May 19, 1902, and the victim was Louis Hull of that town. A telegram from Spring Valley received

today confirms the story. Coates says he was born in Paterson, N. J. He posed as an umbrella mender while here. Coates also has given to the police the names of gangs of post office thieves, with whose operations he was familiar.

## COTTON GARMENTS HIGHER.

-Sullivan, teamster for Stanley Trans- Advance in Price of Overalls, Jumpers and Similar Clothing.

CHICAGO. July 29.-The price of overalls, jumpers and other cotton garments for workmen will be advanced sharply all over the United States, according to a statement made by T. A. White of Scranton, Pa., secretary of the Ulon-made Garment Makers' Association, in convention here. The association includes nearly all the makers using the union label.

"The advance will be noted, and must be considered due to the increase in the price of fabries," said Mr. White. men buy most of our goods, and will obtain them even if the cost is greater."

# STRIKERS RETURN TO WORK.

Plush and Velvet Weavers in Philadelphia Lose Their Fight.

PHILADELPHIA, July 29.-Eight hunoff the powder stored in one chamber and dred plush and velvet weavers, employed that explosion was followed by another in | in the John and James Dobson's mill, at the falls of Schuyh.ill, who have been idle since the inauguration nine weeks ago of the textile strike in this city, reported for work The plant of the United States Cartridge today without their demand for shorter Company is located in a district known as hours or increased pay being granted. The Riverside Park in Tewksbury, just outside firm, however, was compelled to send home 600 of the workers because the fifty loom The building in which the explosion occurred was a stone structure, about one remain out until the demands are granted. and one-half miles distant from the works | All of the mills in the lower section of the tance of fifty yards are located half a returned to work at the same hours and old

In the Kensington district, where the there are twenty houses more, and beyond greater number of mills are located, the that the buildings are very close together. strikers are holding firm and a compro-

#### women and children who were inside of PITTSBURG MACHINISTS STRIKE. About 300 Men Quit Work at Westinghouse Plant.

PITTSBURG, Pa., July 29.-Three hundred machinists walked out of the Westinghouse machine works at East Pittsburg today because the company refused to sign the scale. About 600 machinists refused to strike and the company, it is claimed, will at once fill the vacant places with men held in reserve. The strike caused considerable excitement about the plant, but there was no disorder. The scale calls for an increase in wages of 712 per cent.

# WRECKED BY DYNAMITE.

Mine Blown Up by Incendiaries.

IDAHO SPRINGS, Col., July 29 .- An explosion at the Sun and Moon mine, located three miles from this city, wrecked the transformer house, set fire to the oil in the transformers and threatened the destruction of the main shaft house. The latest information from the scene is that the fire is under control.

From the meager details of the affair at hand, it is learned that the watchman at the mine, aroused by the explosion, rushed out in time to observe two men running away from the transformer building. He fired at them several times and later a wounded man was found lying near by. He was taken in charge and the company physician sent for. Under Sheriff Charles Peck of Georgetown and a posse have gone to the scene to make an investigation and protect the Sun and Moon property if it is found necessary.

The Sun and Moon was the first mine affected by the strike which was declared last February. After four months of idle ness the mine resumed operations in June with non-union men. Manager Sims of the Sun and Moon declares that no explosive of any kind was ever kept in or near the transformer building. As near as can be learned the building was wrecked by a heavy charge of dynamite.

# Thistle in From Ocean Race.

NEW YORK, July 29.-The schooner eacht Thistle of the Atlantic Yacht Club inished off Scotland lightship in the 290mile ocean race from Brenton's Reef light. thin, at 9:25 o'clock this morning. Her forecopmast had been carried away about five feet above the masthead. The schooner yacht Ingomar finished first in the race,

# MONEY ORDER BLANKS

Contract With Herman to Be Signed Tomorrow.

AFTER LONG FIGHT

CHARGES BY FORMER FIRM OF CONTRACTORS NOT SUSTAINED.

Grand Jury Hearing Testimony, but Has Made No Report-Suit Against a Contractor.

The contract for supplying the Post Office Department with money order blanks for four years beginning September 4 next will be awarded to Mr. Paul Herman of New

York tomorrow. This contract would have been signed today, but certain papers that the department desires to have in its possession had not been received up to noon. These papers, it was learned from Mr. Herman, were mailed in New York today and will reach the department this afternoon. They will be here too late for official action today, so that the case will be taken up the first thing tomorrow morning and disposed of.

The decision to award this contract to Mr. Herman has followed a very hard fight, it is understood, on the part of Wyncoop, Hallenbeck, Crawford & Co. for the retention of the contract which they have had for many years. The various charges to show that Herman was not in a position to carry out the contract have been gone into very fully by the department, and in many ways the conditions imposed on Mr. Herman have been more severe than similar con-tractors have heretofore been subjected to. Has Complied With Every Require-

ment. Mr. Herman has been required to give a bond of \$50,000 for the faithful performance of the contract, which is double the amount of the bond heretofore required of the contractors for the same work. It is said that every restriction suggested by the department to insure the specific performance of contract has been complied with by Mr. Herman, although many of these have been of a kind not generally re-

quired of contractors. By the award of this contract to Mr. Her-man the Post Office Department will in four years save \$45,000 in a contract during those years amounting to about half a million of dollars

Mr. Herman has already begun the installation of necessary machinery and is making every effort to get a good start on the work so that by September 4 he can begin the delivery of the necessary blanks. The plates that will be used in the printing of these blanks are the property of the government and are turned over from one contractor to another with the passing of the contract.

It is understood that the representations that have been made in regard to Mr. Herman and his alleged inability to carry out the contract have had no other result than to cause an examination of the charges as they have been made. It is said that in no way has Mr. Herman failed to fulfill every possible requirement to guarantee the government against any inconvenience or loss in the carrying out of the contract.

# The Grand Jury's Work.

The federal grand jury adjourned at noon today to meet again tomorrow without reporting any indictments. Assistant United States Attorney Taggart told a Star reporter this afternoon that the jury may report tomorrow, and it may not report until Friday. Mr. Taggart seemed doubtful as to the time, and as to whether or not he was making too wild a guess. The grand jury has met in the morning only during this week, and usually has adjourned for the day about noon.

The examination of witnesses is proceeding with clock-like regularity, and each day some person and sometimes two or three are examined. The Star learned or good authority today that the jury will hear testimony as to Beavers. Whether or not some testimony regarding Beavers' con nection with the post office scandal has al-ready been heard it could not be learned but there is at least one witness who has not been examined, but who will be examined probably before the jury reports.

# Suit Against a Contractor.

The government will institute proceedings against W. M. Weighel, a postal contractor, and the Fidelity Trust and Deposit Company of Baltimore, for approximately \$200,000, which the Post Office Department has been compelled to expend above the amount of a contract for carrying the mails in wagons in New York city. George G. Travis, who yesterday was awarded the contract, to fill the unexpired term of a month less than two years, will begin the service August 1. Weighel was given the contract two years ago for a term of four years at

\$23,000, and within a year notified the department that he could not continue it on account of his health. He then left for the west. The Baltimore company went on his bond for \$325,000. He was allowed to designate the New York Mail Transportation Company as a subcontractor.

It is said that Weighel had to pay the latter \$280,000 a year. Owing to fines and penalties for service that was not up to the contract, he declined to continue, but finally agreed to keep up the service until the end of this month. The new contract is for \$340,000 a year, and at the end of two years from July 1 last suit will be instituted for the recivery of the difference between this amount and the orginal contract figure, \$239,000. The troubles of the contractor caused a recent hurried trip of Second Assistant Postmaster General Shalenberger to New York to review the situation and four bids were finally secured. Travis' being the lowest. Assistant Superintendent John M. Masten of the railway mail service has been in New York for several weeks engaged in the adjustment

#### of the service, which is alleged to have been badly demoralized. Salary of Hedges Held Up.

Fourth Assistant Postmaster Genera Bristow has held up the undrawn salary of Charles Hedges, the recently dismissed superintendent of the city delivery service, for the last week of his service, pending the settlement of his expense accounts. Hedges had asked for leave of absence for sixteen days, to begin on the day of his emoval, but Mr. Bristow has never contemplated granting the leave. The inspectors have been investigating a number of local matters in this city in

which it is alleged George W. Beavers, the former chief of the division of salaries and allowances, was concerned. The grand tury which has been consider ing postal cases has not yet reported, and no specific date for the bringing in of the indictments has yet been fixed, though it is fully expected it will some time this week

#### Personal Mention. Mrs. John Edwards is a guest at the How-

ard House, Atlantic City, N. J. Dr. James A. Freer has returned to the sorts.

SIGMA CHI CONVENTION.

Nearly 200 Delegates Present at Meeting in Detroit.

DETROIT, Mich., July 29,-College men from all parts of the country to the number of nearly 200 were present in the convention hall of the Hotel Cadillac today when the twenty-fifth grand chapter of the Sigma Chi Fraternity was called to order. Mayor Maybury welcomed the fraternity men to, the city, and Orla B. Taylor voiced the welcome of the Detroit "Sigs." Responses were made on behalf of the nine sections of the country and then Judge Howard Ferris of Cincinnati responded for the fraternity at large ternity at large.

The appointment of temporary officers, committees and the presentation of credentials occupied the rest of the first business session. Among the most important matters that will be considered by the grand chapter are the applications for chapters which have been received from a num-ber of universities. The grand chapter was in session for three days, and the program of entertainment that has been arranged extends over Saturday.

#### DEPUTY OFFERED A BRIBE.

Zolman Papp Creates a Sensation in Hungarian Diet.

BUDAPEST, Hungary, July 29.-Deputy Zolman Papp caused a sensation in the lower house of the diet today by spreading out on the table 10,000 kronen in cash, which, he declared, had been tendered him as a bribe to desert his fellow obstructionists and leave Budapest. Herr Papp, who is a member of the Kossuth party, added that it was former Deputy Dienes who attempted to bribe him. Herr Dienes, he asserted, had 12,000 kronen, of which sum he retained 2,000 as commission and had handed 10,000 kronen to Herr Papp, which the latter accepted in order to be able to prove his allegations. Deputy Lovazy said that the editor of

the Magyar Orszag had been asked how much money he required to buy off that newspaper's support of the obstructionists A parliamentary committee was appointed to investigate the matter. There were stormy scenes in the diet this afternoon when the premier, Count Hedervary, rose to commence the debate on the indemnity bill. The obstructionists stood

up and the chamber resounded with deaf-ening shouts, the banging of desk lids and insults hurled at the premier from the op-position benches. The sitting was suspended, but the scenes were repeated on its resumption, and, ultimately, being unable to obtain a hearing, the premier handed the clerk of the house a written motion. moving the reading of the bill. When the obstructionists became aware of this action a couple of members of the Kossuth party stormed the presidential tribune, snatched the paper from the clerk's hands and tore it to pieces. The tribune was soon filled with shouting deputies and amid the tu-mult the session was again suspended.

# SAW DR. MARCUM KILLED.

Important New Witness in the Trial at Cynthiana, Ky.

CYNTHIANA, Ky., July 20.-The court for the second trial 6. Curtis Jett and Thomas White for the murder of James B. Marcum at Jackson, E., opened today's session at 8:30 a. m. Fig. one witnesses for the commonwealth answered to their names. Prosecuting Attorney A. T. Byrd, who conducted the commonwealth's side of the case at the trial at Jackson, made the opening statement for the prosecution. While the defense has subpocnaed over hundred witnesses to impeach those testi

fying for the commonwealth and prove alibis for Jett and White in the Marcun murder case the prosecution is also secur ing many valuable witnesses that could not be secured during the first trial. Officers arrived today from Breathitt county with Samuel Little, who is considered a stronger witness than either B. J. Ewen or John L. It is stated that Samuel Little not only

saw Jett and White just before Marcum fell and again after the shooting, but also that he witnessed the shooting in the court house. Little was arrested last night by the soldiers while in hiding and brought here today by a deputy. Little is related to Curtis Jett. John Freeman, another important witness for the commonwealth, who is said to have fled to the mountains during the trial at Jackson last month was also brought in by a deputy today Both will be held until they are called by Commonwealth Attorney Byrd.

# BRITISH READY TO AID CUBA.

Cuban Minister Sounds London Finan

ciers Concerning \$35,000,000 Loan. LONDON, July 29.-If Cuba fails to float her proposed loan of \$35,000,000 in the United States she will have no difficulty in doing so here. Several British financiers who have been approached on the subject by the Marquis de Montoro, Cuban min-

ister to Great Britain, have indicated their willingness to subscribe, but the ministe is unable to commit the Cuban government because of lack of instructions from President Palma. Minister Montoro under stands that Senor Palma will soon decide where and how the loan will be floated.

# CAR FELL SIXTY FEET.

Motorman and Conductor Fatally Injured on Cleveland Line.

CLEVELAND, July 29 .- A work train. while running at a high rate of speed near Gales Mills, on the Cleveland and Eastern Electric railway, early today, ran into an open switch and plunged down a sixty-foot embankment, resulting in the motorman and conductor sustaining injuries that will ply alike to all members of the organized likely prove fatal. The injured:

Benjamin Ballen, motorman, leg broken, head cut and internal injuries. Samuel Hull, conductor, body cut and internal injuries A workman, name unknown, seriously cut it must be under some other and controlling

and bruised; will recover. The motor and statute.

# STRIKE AT DETROIT.

Firemen at Street Railway Power House Walk Out.

DETROIT, July 29 .- All the street car lines in the city were tied up for more than two hours this morning at the time travel is usually heaviest by a strike of thirtyfive firemen at the power house of the Detroit United railway. The men struck to enforce a demand for an eight-hour day made some time ago. Outside help was rushed to the power

house, and by 8 o'clock the company had a few cars running on most of the lines. Thousands of people were late in getting to their work this morning owing to the

Cars ran irregularly during the morning but at noon Superintendent Stanley stated that he had a full force working at the power house and that normal condition would prevail on all lines this afternoon A conference of street railway officials and epresentatives of various organizations among the company's employes began at noon in the hope of reaching a settlement of the strike. It is believed that the men will return to work pending a settlement of their demands by the company.

#### Whitaker Wright Sails. NEW YORK, July 29.-Whitaker Wright,

the London capitalist, accused of swindling, left the Ludlow street jail early today for the White Star line pier, where he boarded the steamship Oceanic that sailed for Liverpool later in the morning.

son at the same time.

In that case the court said:

"\* • • We do not see that there is any disregular station of the Bancroft.

# NOT OPPOSED TO LAW

Payment of Departmental Employes in National Guard.

GEN. HARRIES' INQUIRY

OPINION RENDERED BY THE CON-TROLLER OF THE TREASURY.

Reviews the Statutes and Finds That the Prohibition Against Double Compensation Does Not Apply.

The Secretary of War has received an opinion from Judge Tracewell, controller of the treasury, which is of considerable interest to all members of the District National Guard who are in the employ of the government, as it is to their benefit in a pecuniary sense. On the 25th inst. Gen. Harries, commanding the militia of the District of Columbia, addressed a letter to the Secretary of War requesting that he ask the controller of the treasury "for an opinion as to whether government employes may be paid for field service rendered as officers and enlisted men of the organized militia of the District of Columbia, under section 14 of 'An act to promote the efficiency of the militia and for other purposes, approved January 21,

"Officers and enlisted men (other than government employes) of the organized militia in this jurisdiction," the letter continues, "now receive nominal pay out of the appropriation annually provided in the District of Columbia appropriation act; that pay excluding the days of service in the brigade encampment. It is my desire to pay for camp service out of the District of Columbia allotment under the afore-mentioned section 14.

"it seems to me that while some variety of objection might be made to such payment in case a government employe was on 'military leave,' it would be entirely fair to permit me to pay him if the field service was rendered while he was on annual leave.' I am not aware of any case in which the government has sought to exercise any control over the movements of an employe while absent from his office on leave, and I hope there will be no obstacle in the way of properly (if sufficiently) compensating the men who perform nationally-valuable and essentially patriotle service instead of devoting that same time to selfish (if necessary) amusement."

# The Controller's View.

Secretary Root referred Gen. Harris' letter to the controller of the treasury and he

the organized militia of the District of Columbia participating in the encampment, who are at the same time in the service and pay of the United States, are entitled to be paid the pay, etc., under section 14 of the act of January 21, 1903, which provided:
"That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a state or territory or of the District of Columbia is sufficiently armed, uniformed and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such state or territory, to pay to the quartermaster general thereof, or to such other officer of the militia of said state as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section 1,661 of the Revised Statutes as amended as shall be necessary for the payment, subsistence and transportation of such portion of said or-ganized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence and transportation or travel allowances as officers and enlisted men of corresponding grades of the regular army, are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safe keeping and payment of the public moneys so in-

# trusted to him for disbursement.

The Acts Granting Leave. "It is understood that the officers and enlisted men of the militia who are in the service of the United States have been granted leaves of absence under either the act of March 1, 1889, or the act of March 15, 1898. "The act of January 21, 1903, supra, provides that for the time the organized militia is engaged in actual field and camp service for instruction, the officers and enlisted men thereof while so engaged shall be entitled to be paid the same pay, etc., as officers and enlisted men of the corre-

sponding grades of the regular army. 'The statute makes no exception as to the officers and men who are at the same time in the service of the United States. The terms of the act would appear to apmilitia participating in the actual field or camp service for instruction, so that if those officers and enlisted men who are in the service and pay of the United States are to be denied the pay provided by section 14 of the act of January 21, 1903, supra,

#### Double Compensation. "The laws bearing directly upon the ques-

tion of double compensation are sections 1763, 1764 and 1765, Revised Statutes. They are as follows: "Section 1763. No person who holds an

office, the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.
"'Section 1764. No allowance or compen-

sation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department; and no allowance or compensation shall be made for any extra services whatever, which any ofunless expressly authorized by law "Sec. 1765. No officer in any branch of the service, or any person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowances, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authoriz-ed by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

#### Court's Decision Quoted. In the case of the United States against

Saunders the court held that these sections of the Revised Statutes nave no application to the case of two distinct offices, places, or employment, each with its own duties and compensation, but both held by one per-

# two distinct employments, whether offices or not, the salaries of which are distinct, and the services rendered distinct, both appointments being held by the same person

pointments being held by the same person, as in this case.

"We are of the opinion that, taking these sections all together, the purpose of this legislation was to prevent a person holding office or appointment, for which the law provides a definite compensation by way of salary or otherwise, which is intended to cover all the services which, as such officer, he may be called upon to render, from receiving extra compensation, additional allowances, or pay for other render, from receiving extra compensation, additional allowances, or pay for other services which may be required of him either by act of Congress or by order of the head of his department, or in any other mode, added to or connected with the regular duties of the place which he holds; but that they have no application to the case of two distinct offices, places or employments, each of which has its own duties and its own compensation, which offices and its own compensation, which offices may both be held by one person at the same time. In the latter case he is in the eye of the law two officers, or holds two places or appointments, the functions of which are separate and distinct, and, according to all the decisions, he is in such

#### Distinction Made.

The position of an officer or employe of the United States is distinct from that of an officer or enlisted man of the organized militia. The places bear no relation to each other.

case entitled to recover the two compensa-

Their duties have no connection one with the other and are not incompatible. Under the leave system which obtains in the departments both positions may be filled by one and the same person without the slight-est interference one with the other. "I do not think the statutes cited above

operate to deprive the men of the pay pro-vided by section 14 of the act of January 21, 4903, and I know of no other law which would do so. •••
"I am of opinion that the officers and enlisted men of the organized militia participating in the encampment may be paid as provided in the last named act, notwithstanding at the time they are in the service and pay of the United States. If there be no other objection you are authorized to

direct that the men be so paid."
Secretary Root indorsed the opinion with his approval, and gave the necessary in-structions to Paymaster General Bates of the army to carry it into effect.

#### PROMOTED AND RETIRED. Col. C. W. Miner of 6th Infantry Made

a Brigadier General.

Col. Charles W. Miner of the 6th Infantry was today promoted a brigadier general in the army, and immediately retired, A native of Ohio, he served throughout the war of the rebellion in the Army of the Tennessee and took part in the battles of Fort Donelson, Shiloh, Corinth and Vicksburg. In April, 1861, he enlisted as a private in the 2d Ohio Volunteer Infantry, and was honorably mustered out in May, 1865, as captain in the 22d Ohio Infantry. In March, 1866, he was appointed second lieutenant of the 19th Regular Infantry, and became colonel of the 6th Infantry in December, 1899. He was brevetted major for replied today as follows:

"The question submitted for decision is whether the officers and enlisted men of the organized militia of the District of Co Juan Hill, and was commended by Gov-

ernor Taft for the able manner in which he conducted the affairs of the Island of Negros, of which he was the military gov-ernor from October, 1900, to May, 1902 The appointment of General Miner has esulted in the promotion of Lieut. Col. J. Regan to be colonel of the 6th Infantry, Major J. C. Dent to be lieutenant colonel, and Captain C. J. T. Clarke to be major

# WILL RECOGNIZE HIM.

State Department Will Not Wait for Venezuelan's Formal Presentation.

of infantry.

Gen. Jose Manuel Hernandez ,the newly appointed Venezuelan minister, called at the State Department today in company with Senor Pulido, the Venezuelan charge, to pay his respects to Acting Secretary Loomis. Final arrangements have not been made for his official presentation to the President, but the State Department will accord him recognition without regard to that fact whenever he has business to

Gen. Hernandez has decided to spend the heated term at Saratoga, but will probably visit other northern resorts during the sum-

#### PARDONED BY THE PRESIDENT. Executive Clemency Extended to Three Filipinos Among Others.

President Roosevelt has granted pardons to three Filipinos. One of the pardons was to Emilio Villamor, a prominent Filipino, tary Shaw has been willing to refund to who was convicted in December, 1900, of murder, and sentenced to be hanged. This sentence was afterward commuted to ten years' imprisonment.

Villamor was a member of an insurgent

army operating in Luzon. This army, or culation, Besides this, they have been enband, one day captured Marcelo Gadung, a native corporal of police at Candon, Luzon do not now contemplate increasing circula-Island. Gadung, in addition to being a tion. corporal, was a spy for the American army and this fact was known. He went out one day to find out something about the forces of the insurgents and was captured by them. He was tried by court-martial for being a spy, was sentenced to be shot and was shot and killed. Villamor was an officer of the insurgent army and was assigned and disposed of Gadung. It was for this has served a term of nearly three years. His pardon was recommended by army officers and the Secretary of War on th ground that Villamor's offense was really political and that he was entitled to a pardon under the presidential amnesty proclamation of July 4, 1902. The President pardoned Villamor after going over the

papers.
The President also granted a pardon to Vincente Fermin and Julian Vasques now serving terms of three years each in the presidio at Manila, having been convicted of kidnaping, assaulting and robbing a native policeman. The offense was committed during a period of insurrection and the prisoners were insurgents. They were pardoned under the amnesty proclamation.

John H. Kane, formerly a private in Troop D, 5th Cavalry, has been pardoned to restore his citizenship. Kane was convicted of desertion from the army and served the sentence imposed upon h'm. He enlisted at Savannah, Ga., June 26, 1899. The pardon was merely to grant him his rights of citizenship and on the presentation of facts that he regretted his desertion and was trying to be a good citizen.

President Roosevelt has commute 1 the sentence of Lucy Smith, a white woman convicted in the western district of Virginia of retailing moonshine whisky without li-

cense. The woman was convicted in May last and was sentenced to pay a fine of \$100 and serve six months in prison. The United States attorney recommended commutation of the sentence on the ground that the woman was the mother of five children, ignorant of the offence she had committed, that the children were dependent upon her and were in destitute condition. The sen tence was commuted to expire August 1.

#### The Bancroft Going to San Juan. Commander Culver, commanding the gunboat Bancroft, which recently arrived at

Port of Spain from a successful cruise up the Orinoco, having reported affairs quiet in Venezuela, has been ordered by Acting

# TROUBLE IN THE WEST

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## KANSAS AND NEBRASKA

REPUBLICANS IN THE TWO STATES SPLIT INTO FACTIONS.

Laying Pipes for the Succession to Senator Burton - The Rosewater-Thompson Battle for Control.

The republicans of Kansas are having a monkey and a parret time, much to the amusement and delight of the populists and the democrats. It all comes about over a scramble for a senatorial vacancy which has not yet occurred. The assumption out there seems to be that Senator Burton is doomed to defeat. Nobody thinks for a moment that he will be re-elected, and proceeding upon this assumption they already are fighting for the shoes which not yet are

Mr. Cy. Leland, erstwhile boss of republican politics in Kansas, lately somewhat out of favor, is back again in power. The wheel has turned and Mr. Leland is on top. Mr. Dave Mulvane, the present national committeeman, is inclined to contest Mr. Le-land's return, and the politicians of the state are taking sides in the fight. The newly elected senator, Mr. Long, is on Mr. Leland's side. Representative Curt's, who failed to obtain the place which Mr. Long got, is said to be after Senator Burton's scalp. Mr. Curtis is young, ambitious and, as they say in Kansas, "A fighter from

The reassuring feature to the republ cans is that while this monkey and parrot gamis going on over a prospective suppositit ous vacancy in the senatorship no damage is being inflicted upon the party's prospects in national politics. President Roosevelt is stronger than both the factions. It is said that the warring elements will strug-gle with each other up to election day and then will get together on the national

#### ticket. Family Trouble in Nebraska.

The neighboring state, Nebraska, also furnishes an example of family trouble in the republican party. One of the most notable characters in the factional fight is Editor Rosewater of Omaha. Mr. Rosewater is described by Nebraska politicians, who talked with a Star man today, as a bull in a

china shop.
"The question with us," said this politician, "is simply this-how many dishes is Rosewater going to break. It is said that Mr. Resewater has found a foeman worthy of his steel is Mr. D. E. Thompson, also an Mr. Rosewater is aggressive, a fighter; Mr. Thompson is diplomatic in politics as be would be a diplomat in fact. They say in Nebraska that Mr. Thompson has his eye on the senatorship.

When the populist craze swept the prairie

country Mr. Thompson, it is said, signed an agreement to vote with the populists against imperialism and in favor of free silver. They say that it keeps Mr. Thompson sitting up nights to deny this story, and in the meantime the two senators who are holding their seats and want to hold them against Mr. Thompson's ambitions are not doing anything to quiet the alleged outrageous libel.

Nebraska is said to be solidly for Roose velt. Nobody out there who is posted in politics thinks that the Rough Rider can be beaten. Crops are good, money is plentiful, the populists are down and out and Roosevelt and republicanism are said to be the whole thing.

## WILL BE CLOSED FRIDAY. Refunding Government Threes and

Fours Into Two Per Cents. The refunding operations of the Treasury Department will close Friday afternoon, and no more 3 and 4 per cent bonds will be received after that date for exchange into 2 per cents. The refunding has been in progress since the last of March, and the total amount refunded to date is something over \$80,000,000, a considerably larger amount than was expected when Secretary Shaw announced that he would exchange 2 per cents for the other classes of bonds. Secrethe amount of \$100,000,000, but he is gratified that the sum is as large as it has already reached. By means of refunding the national banks of the country have greatly increased their circulation, thereby putting

ter figure than in many years, even if they Less than \$16,000,000 of the total amount refunded has been in 3 per cents, the remainder being 4 per cent bonds. Only about one-fourth of the amount refunded has come through and from national banks. the other three-fourths being from individuals throughout the country

abled to purchase 2 per cent bonds at a bet-

many additional millions of money

# Movements of Naval Vessels.

The collier Lebanon left Lambert's Point, Va., yesterday with a cargo of coal for the naval station at Cavite, P. L. She will make the voyage by way of the Mediterranean.

The Ajax left Colombo yesterday for Cavite The Nanshan has left Cavite for Chee-The Modoc and the Nero have arrived at Philadelphia.

The Baltimore, Leonidas, Worden, Pratie and Chesapeake arrived at Frenchman's bay yesterday.

New York Contract Awarded. The Post Office Department has awarded to George G. Travis of New York the contract for wagon mail service in New York city. The wagons are used in carrying mails between the depots and the general post office and postal stations. W. M. Weighel, the original contractor, failed to fulfill his contract for the entire term. Travis was the lowest bidder for the unex pired term of about two years at \$240,000

# Ordnance Board to Witness Tests.

Lieut, Gen. Miles, president of the army board of ordnance and fortification, has called a meeting of that board at the Sandy Hook proving grounds tomorrow for the purpose of witnessing a number of important tests, including the test of a 10-inch gun of the segmental wire-wound pattern.

#### Russian Petroleum Works Burn. BAKU, Russian Transcaucasia, July 29 -

The extensive petroleum works at Balakhamy have been burned. The fire is be lieved to have been of incendiary origin Large numbers of boring towers and reservoirs of naphtha were destroyed, including those belonging to the Nobel Bros. and to Secretary Darling of the Navy Department to proceed to San Juan, P. R., which is the regular station of the Bancroft.